

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

**Qwest Communications
International Inc.**

Consolidated Application for Authority
to Provide In-Region, InterLATA Services
in New Mexico, Oregon and South Dakota

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WC Docket No. 03-11

REPLY DECLARATION OF MICHAEL G. WILLIAMS

on

Commercial Performance

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Pursuant to 47 C.F.R. § 1.16, Michael G. Williams declares as follows:

1. My name is Michael G. Williams. My business address is 250 Bell Plaza, Room 1603-B, Salt Lake City, Utah. I am a Director in Wholesale Markets for Qwest Corporation ("Qwest").
2. I provided declarations on Qwest's previous applications under Section 271 of the Act to provide in-region interLATA services in WC Docket Nos. 02-148, 02-189 and 02-314, and in this docket. I base this declaration on my professional experience, personal knowledge, and information available to me in the normal course of my duties.
3. This Reply Declaration responds to comments by WorldCom in this docket regarding Qwest's service quality as reflected in its commercial performance results.

I. QWEST'S COMMERCIAL PERFORMANCE CONTINUES TO SATISFY THE REQUIREMENTS OF SECTION 271

4. WorldCom selects, from among the hundreds of performance metrics that Qwest reports, a handful of results in order to make the sweeping claim that Qwest's performance "show[s] repeated failures to meet performance measures." WorldCom at 18 (citing Declaration of Sherry Lichtenberg, ¶ 32). WorldCom acknowledges its allegations are based solely on regionwide performance results, however, rather than on data particular to the states in this Application. That data, as explained in my initial declaration in this docket, demonstrates how Qwest's performance reports confirm that it makes each checklist item available to CLECs at an acceptable level of quality.^{1/}

5. In any event, were the Commission to give credence to WorldCom's allegations, even though they are based on only tangentially relevant regionwide performance, there is no merit to their claims regarding the few PIDs WorldCom singles out for attack. WorldCom is grasping at straws in citing results where statistically significant differences are absolutely miniscule and cannot equate to competitively significant differences. For example, WorldCom claims that Qwest

^{1/} See Declaration of Michael G. Williams in WC Docket No. 03-11 ("Williams Decl."). I also note that the Commission found Qwest's performance acceptable for the nine states in which Qwest received Section 271 authority, *see Application by Qwest Communications International, Inc. for Authorization To Provide In-Region, InterLATA Services in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming*, 17 FCC Rcd 26303 (2002) ("*Qwest III Order*"), and I further note that the performance relied upon in the *Qwest III Order* included all the months relied upon in this docket, except November 2002. The nine states addressed in the *Qwest III Order*, together with the three states included in this docket, make up the majority of the 14 states that contribute to the regionwide results WorldCom cites.

missed its PID for E911 trunk trouble rates in six of the last twelve months. In point of fact, Qwest's trouble rate for 911/E911 was zero for New Mexico and South Dakota, and the four-month average trouble rate in Oregon was at parity in all four months and never higher than 0.79%. Williams Decl. ¶ 413, ¶ 418, ¶ 416. There can be no doubt, therefore, that Qwest satisfies the PID for the three application states. Moreover, the recent regional four-month average trouble rate for CLEC 911/E911 trunks in September through December was at parity in two of the four months, averaging a miniscule 0.21% for CLECs versus 0.07% for Qwest retail, which is a competitively insignificant difference, and the January 2003 regional performance results reflect parity with a CLEC trouble rate of 0.03% versus 0.07% for Qwest.^{2/} All trouble reports were cleared in less than two hours, beating the four-hour target.^{3/}

6. Another example of WorldCom pointing out statistical differences where common sense would indicate the actual difference cannot impede CLEC ability to compete involves OP-3C Installation Commitments Met - No Dispatches for Qwest DSL from October and November. With results above 97% both months, the statistical parity misses are due to retail results being above 99%. See Lichtenberg Decl., Att. The actual difference is not competitively significant. Also in this

^{2/} See January-December 2002 Regional Commercial Performance Results at 288 (MR-8). Moreover, Qwest's January 2003 regional performance results show the E911 trouble rate at parity, with CLECs experiencing a trouble rate of 0.03% versus 0.07% for Qwest. See February 2002-January 2003 Regional Commercial Performance Results at 288 (MR-8).

^{3/} See *id.* at 286 (MR-6D).

category is OP-5 New Service Quality for Qwest DSL results for October through December. The actual performance difference is under 1% in every month, with results at or above 99% in every month, *id.* a statistical difference that clearly is not competitively significant.

7. The absurdity continues with WorldCom's complaint about the MR-8 - Trouble Rate for UNE-P (Centrex), where the actual trouble rate from October through December is less than 1.0% and, thus, the actual difference between the CLECs and Qwest's trouble rate is also less than 1.0%. *Id.* The MR-8 - Trouble Rate for UDIT above the DS1 Level also fits this profile. Here again the actual trouble rate is under 2.0%. *Id.* In both cases the actual differences between CLECs' and Qwest's trouble rates are less than 1.0%, *id.* which is hardly competitively significant.

8. As to repair timeliness for line sharing (MR-3), for New Mexico during October, November and December, Qwest was in parity for all months for out of service cleared within 24 hours (no dispatches) and in parity for two out of three months for out of service cleared with 24 hours (dispatch). ^{4/} In the one month that Qwest barely missed parity (December), its modified "z score" was only 1.71, just 0.06 away from meeting parity. For Oregon, during the months October, November, and December, Qwest was in parity for 2 out of the 3 months for out of service

^{4/} See January-December 2002 New Mexico Commercial Performance Results at 229 (MR-3C) and 225 (MR-3A).

cleared within 24 hours for both dispatched and non-dispatched repairs.^{5/} In the one month that Qwest missed parity (October), analysis shows that customer requests for future appointment times impacted Qwest's ability to complete timely repairs with disparities for out of service cleared within 24 hours.^{6/} For South Dakota, during the months October, November and December, there were no CLEC requests for repairing line sharing loops, so there can be no argument that Qwest did not satisfy MR-3 for line sharing in that state.^{7/}

9. With respect to installation commitments for EELs in Zone 1 under OP-3D, the most recent regional four-month average (for September through December) for CLEC Installation Commitments Met for EELs is 86.91%, which is only slightly below the benchmark of 90%.^{8/} The misses that caused Qwest to dip below the benchmark were the result of a shortage of facilities and Qwest's established 30-business day hold policy for EELs. Qwest is investigating improvements

^{5/} See January-December 2002 Oregon Commercial Performance Results at 237 (MR-3A) and 241 (MR-3C).

^{6/} When CLECs request a future appointment time beyond the offered commitment, they effectively create a "no access" situation that precludes Qwest meeting the 24-hour commitment window and increased the average restoral interval. By mid-December 2002, Qwest completed steps necessary to identify future appointment tickets as "no access," so the measurement system can appropriately exclude them per the PID.

^{7/} See January-December 2002 South Dakota Commercial Performance Results at 200 (MR-3A) and 203 (MR-3C). However, Qwest's performance in New Mexico and Oregon shows that it can repair shared loops to CLECs at a high level of quality when requested.

^{8/} See January-December 2002 Regional Commercial Performance Results at 149 (OP-3D).

to its engineering and construction processes for the installation of EELs in order to accelerate internal timeframes with emphasis on meeting the original due date. In any event, Qwest did not fail to meet the PID for New Mexico because there were no performance results under the PID for that state. *See Williams Decl.* ¶ 355. In addition, Qwest had a four-month average for installation commitments met in Oregon (August through November) of 93.15%, which exceeds the 90% benchmark, and in South Dakota, Qwest met 100% of its installation commitments in three of those four months, with the only miss coming in a month where only one EEL was ordered, and a required redesign of outside plant caused the missed commitment.

10. As for the repair repeat report rate for UNE-P-POTS non-dispatched reports (MR-7C), for New Mexico during the months of September, October, and November, Qwest's performance was in parity with like retail service. Over the four-month period that also includes August, Qwest recorded only one disparity. However, with the exclusion of no trouble found ("NTF") reports as reported under MR-7C*, August is also in parity.^{9/} For Oregon, Qwest recorded parity performance in August and September, and with the exclusion of NTF reports in October

^{9/} In August, a contributing factor to the higher-than-expected repeat report rate is the number of NTF reports Qwest received from CLECs. When August data is reviewed to determine if a subsequent trouble report occurred within 30 days, four of six repeat trouble reports were found to be NTF tickets. Qwest developed the MR-7* measurement to track precisely this trend. MR-7* calculates the repeat trouble rate by excluding all trouble reports for which no trouble was found and which, after the first report was closed, received no other trouble report within 30 days of the original report.

and November, all four months are in parity.^{10/} For South Dakota, Qwest achieved parity in three of four months, with a disparity only in October where, yet again, parity was in fact achieved with the impact of NTF reports removed. Moreover, regional performance results for the same four-month period shows Qwest's performance in parity with like retail service when NTF reports are excluded.

11. With respect to repair appointments met (MR-9), this is a metric the FCC has not analyzed in prior 271 applications. Even so, for UNE-P-POTS reports with dispatch (MR-9A and MR-9B combined), Qwest recorded parity in two of four months for both New Mexico and Oregon, and three of four months for South Dakota for the period August through November. Qwest met repair appointments regionwide at a level of 90% or greater each month throughout 2002.

II. CONCLUSION

12. Qwest's reports of commercial performance continue to confirm that Qwest is making each checklist item available to CLECs in New Mexico, Oregon and South Dakota at acceptable levels of quality. Therefore, these results continue to support a finding that Qwest has satisfied the requirements of the competitive checklist in Section 271.

^{10/} There were no reported results for MR-7* for November at the time of Qwest's filing because Qwest must wait 30 days to see if a subsequent trouble occurs. However, subsequent reports show Qwest's performance in November to be in parity with the impact of NTF reports removed.